

**Notice of Allowability**

Application No.

10/657,578

Examiner

Arthur O. Hall

Applicant(s)

CREGAN ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Request for Continued Examination filed on 10/31/2007.
2. ☒ The allowed claim(s) is/are 1-11, 21, 22, 42-48 and 57-58.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 8-30-04
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application
- ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other \_\_\_\_\_

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Adam Masia Reg. No. 35602 on 1/3/2007.

The application has been amended as follows:

In Claims 12-20, replace "withdrawn" with – canceled --.

In Claims 23-41, replace "withdrawn" with – canceled --.

In Claims 49-56, replace "withdrawn" with – canceled --.

In Claim 57, replace "withdrawn" with – previously presented --.

In Claim 58, replace "withdrawn" with – previously presented --.

The reason for making these changes is due to a discrepancy between the status of the claims as filed on 10/31/2007 and the status of the claims as described in the applicants arguments filed on 10/31/2007, which created an obvious error in the claims filed on 10/31/2007 as part of the amended specification.

Examiner's Statement of Reasons for Allowance are as follows:

Examiner finds that the claimed invention is the simultaneous display of an indicator and symbol at a position having a symbol disposed at the position, wherein at least three indicators are displayed in a predetermined configuration relative to each other such that indicated symbols are automatically rearranged to other indicated symbol positions as specified by a predetermined configuration. The prior art of record discloses that an indicator and symbol may be displayed simultaneously (See Figs. 6A and 8, and column 8, lines 44-59, McClintic (US 6,905, 405)). However, neither McClintic nor White et al. (US Patent 6,855,054; hereinafter White) nor Gauselmann (US 2004/0097280) nor the combination thereof appear to disclose that the at least three indicators and corresponding symbols are displayed simultaneously so as to rearrange symbols in a predetermined configuration. Inoue (US Patent Application Publication 2007/0178965) teaches three display sections are arranged in a horizontal direction so as to display three symbols in each display section; however, the indicator and symbols are not substantially displayed substantially simultaneously (See paragraphs 0044-0046, Inoue). Baerlocher et al. (US Patent Application Publication 2004/0162128; hereinafter Baerlocher) teaches that a position marker is moved a number of positions based on a predetermined previously indicated position selection; however, the indicator and symbols at the positions are not substantially simultaneously displayed and only one marker moves and the symbols are not per se rearranged. Hasse (US Patent 4,611,811) discloses that markers or indicators are disposed at

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symbol positions; however, the markers need not be displayed simultaneously with each of the symbols to be rearranged.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur O. Hall whose telephone number is (571) 270-1814. The examiner can normally be reached on Mon - Fri, 8:00am - 5:00 pm, Alt Fri, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AH 

1/3/2007

  
John M. Hotaling, II  
Primary Examiner